**THE HON'BLE SRI JUSTICE C.V.RAMULU**

**WRIT PETITION No.3224 of 1999**

**Dated:05.12.2007**

Between:

Sk.Jani and others. .. Petitioners.

And

The Member Secretary, A.P.S.E.C.
(Transco) Vidyuth Soudha, Hyderabad
and others. .. Respondents.

**THE HON'BLE SRI JUSTICE C.V.RAMULU**

**WRIT PETITION No.3224 of 1999**

**ORDER**:

This writ petition is filed seeking a Mandamus declaring the action of the respondents in not absorbing the petitioners as security guards in the respondents' thermal power station as arbitrary and illegal, and consequently, to direct the respondents to treat the petitioners as employees of the thermal power station, with effect from 15.03.1998.

2. It appears, the Police Department of Krishna District originally recruited the petitioners, as Home Guards. Thereafter, their services were lend to the respondents' thermal power station, with effect from 15.03.1998. While that being so, in the month of December, 1999, the petitioners were sought to be repatriated to their parent department i.e., Police Department of Krishna District. Aggrieved by the same, the present writ petition is filed.

3. It is the case of the petitioners that on the requisition made by the respondents, they were drafted to the respondents' thermal power station from their parent department, and therefore, they are entitled for being absorbed as Security Guards on regular basis under the control of the respondents.

4. By an order dated 13.04.1999 of this Court in WPMP.No.3986 of

1999, the respondents were directed to continue the services of the petitioners on the same conditions on which they were employed and not to engage the services of other security guards in their place till disposal of the petition. In view of the said orders, the petitioners, as security guards, have been continuously working under the control of the respondents. Now, the grievance of the petitioners is that they are also entitled for regular absorption into the service of Thermal power station.

5. However, in the counter filed by the respondents, it is denied that the petitioners are entitled for any relief as sought for in the writ petition. It is further asserted that the respondents did not recruit the petitioners, but when exigency arose, they have been drafted temporarily from the police department of Krishna District, and as soon as the exigency ceased, in the month of December, 1999, they were sought to be repatriated to their parent department. As the petitioners are not the employees under the control of the respondents, they have no right whatsoever to claim absorption into thermal power station.

6. Be that as it may, since the petitioners have been working as security guards under the control of the respondents for the last more than nine years, the 2nd and 3rd respondents are directed to consider the feasibility of absorbing the petitioners as regular security guards, in Vijayawada Thermal Power Station, and pass appropriate orders, as per law, within a period of four weeks from the date of receipt of a copy of this order, and communicate the same to the petitioners. Till the 2nd and 3rd respondents take a decision in this regard, the petitioners shall be continued as security guards in the respondents' thermal Power Station.

7. With the above direction, writ petition is disposed of. No order as to costs.

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(C.V.RAMULU,J)

Dt.05.12.2007
v v